

Supporting Document No. 8

Item No. 8
April 9, 2003

RUNOFF CONTROL

State to county: Commit to clean water or step down

North County Times (San Diego County) - 3/21/03

By Marty Graham, staff writer

SAN DIEGO - The county should either commit to the clean water rules in the regional stormwater permit or stop leading the group of municipal governments implementing those rules, the head of the state Regional Water Quality Control Board said Thursday.

John Robertus, the executive officer for the regional board, said the county's recent actions, including its role in a failed lawsuit against the state and in writing legislation that he said would gut the permit, prompted the letter.

"The question is: Are we going to work with people while they give the appearance of cooperation and providing leadership, when those events take place that suggest they plan to delay, confuse, obfuscate and challenge the permit?" Robertus said. "We think they should commit or step down."

County officials say that they are responding to the board letter in writing and have not finished their response yet.

"We remain committed to protecting and restoring water quality in the San Diego region and to serving in our role as principal co-permittee of the municipal stormwater permit," according to a written statement released by the county Thursday.

The letter, sent to county Chief Administrative Officer Walt Ekard, does note that "the county has proven to be capable and effective in the role of principal co-permittee."

The county became the lead municipality by election after the water quality board enacted the regional stormwater permit in February 2001. Eighteen cities, the county and the port district are all bound by the permit to do their best to follow rules and processes that will reduce the pollution and bacteria that end up in the storm drains and run from there to streams, rivers, lakes and the ocean.

Cities and businesses resisted the permit, saying that following the rules was expensive and that the science wasn't there to prove that following the rules will result in cleaner water. The county filed an inch-thick appeal of the permit with the administrative board, full of technical issues that the board tried to address in the final permit.

After the permit was approved, the Building Industry Association, the cities of San Marcos and Santee and other agencies filed a lawsuit based on the county's administrative appeal to overturn the permit. The county filed papers in the suit but insisted it did not oppose the permit.

But environmental groups, including the San Diego chapter of Baykeeper and the Natural Resources Defense Council, alleged the county was behind the

lawsuit and was trying to overturn the permit, which sets out some of the toughest clean water rules in the nation.

Meanwhile, county lawyers drafted legislation that environmentalists and state officials say would gut the permit. County officials denied that they were trying to overturn the permit and insisted that the legislation, introduced by Assemblyman George Plescia in February, would just clarify the rules.

On Tuesday, clean water activist Marco Gonzalez of Encinitas filed a request for public records with the county that alleges the county violated the open meetings act by secretly ordering its lawyers to write the legislation, and to get it introduced into the state Assembly. The only information about the legislation that ever appeared on the agenda was a notice of closed session that did not specify what issue the board of supervisors was working on.

"It is in the public's interest that those individuals at the county responsible for such impropriety be held responsible," Gonzalez wrote in his Mar. 18 letter. #